

STEPHEN KOTEFF, No. 9407070
JOSHUA A. DECKER, No. 1201001
ACLU OF ALASKA FOUNDATION
1057 W. FIREWEED LANE, STE. 207
ANCHORAGE, AK 99503
(907) 263-2007
skoteff@acluak.org

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

ELIZABETH BAKALAR,)
)
Plaintiff,)
)
v.)
)
MICHAEL J. DUNLEAVY, in his)
individual and official capacities;)
TUCKERMAN BABCOCK; and)
the STATE OF ALASKA,)
)
Defendants.)
_____)

Case No. 3:19-cv-00025-JWS

NOTICE OF RELATED CASE

Plaintiff hereby gives notice to the Court of related case *Anthony L. Blanford and John K. Bellville v. Michael J. Dunleavy, et al.*, Case No. 3:19-cv-00036-HRH. Both this case and the *Blanford* case were removed to this Court on February 6, 2019, after being filed concurrently in Alaska superior court on January 10, 2019. This case and the *Blanford* case present identical questions of law. Plaintiff Bakalar and Plaintiffs Blanford and Bellville in Case. No. 3:19-cv-

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00036-HRH all allege that the three named Defendants retaliated against them for exercising their rights to free speech under the First Amendment of the United States Constitution and Article I, § 5 of the Alaska Constitution. The three plaintiffs also each allege that Defendants violated the implied covenant of good faith and fair dealing applicable to at-will employment relationships under Alaska law.

These two cases also present common questions fact. Both complaints allege that, soon after Defendant Dunleavy was elected as Governor of Alaska on November 6, 2018, Defendant Babcock, as Governor-elect Dunleavy's transition chair, demanded the resignations of all at-will State of Alaska employees; that Babcock's demand was intended to solicit a pledge of allegiance from state employees to Mr. Dunleavy's political positions; that Babcock also announced that any state employee who refused or failed to offer her or his allegiance to Mr. Dunleavy risked being fired; that Defendant Dunleavy ratified Babcock's assertions about the intent of the resignation demands; and that all three plaintiffs were fired on the same day, December 3, 2018, at almost the same hour that Defendant Dunleavy was sworn in as Governor. The only differences in the two cases are that Plaintiff Bakalar in this case alleges that she was fired in retaliation for

exercising her free speech rights by blogging about national politics, while the plaintiffs in the *Blanford* case allege that they were fired in retaliation for exercising their free speech rights when they refused to offer resignations under the conditions announced by Defendants Babcock and Dunleavy.

Plaintiffs seek consolidation of the two cases and request, in accordance with Local Rule 3.1(d)(2), that the *Blanford* case (Case No. 3:19-cv-00036-HRH) be assigned to the judge in this case. A Motion to Consolidate Cases is being filed in this case concurrent with the filing of this Notice.

Dated March 14, 2019.

By: s/Stephen Koteff
Stephen Koteff, Bar No. 9407070
Joshua A. Decker, Bar No. 1201001
ACLU OF ALASKA FOUNDATION
1057 West Fireweed Lane, Suite 207
Anchorage, AK 99503
(907) 263-2007 (telephone)
skoteff@acluak.org
jdecker@acluak.org

*Counsel for Plaintiff Elizabeth
Bakalar*